

REMARKS

Claims 1-75 remain in connection with the present application.

Allowable Subject Matter

Initially, Applicant wishes to thank the Examiner for the indication that each of claims 1-75 of the present application would be allowed upon making some minor revisions to the claims to overcome some minor claim objections and rejections. Based upon the present amendments submitted herewith, Applicant respectfully requests withdrawal of all outstanding objections and rejections and allowance of each of claims 1-75 in connection with the present application.

Drawing Objections

Initially, the Examiner objected to the drawings, alleging that Fig. 1 should be labeled as "PRIOR ART", and alleging that Figs. 3 and 4 should have the header removed. Accordingly, in a Letter to the Official Draftsperson filed concurrently herewith, Applicant has labeled Fig. 1 as "PRIOR ART" as requested by the Examiner and has further removed the headers from Figs. 3 and 4. Approval of these drawing corrections is respectfully requested. Upon receiving approval of these drawing corrections, Applicant will submit formal drawings in connection with the present application.

Claim Objections

The Examiner has objected to claims 1-75, noting that the preamble of the independent claims refer to "between first and second hardware components", wherein the Examiner recommends changing the aforementioned phrase to "between a first and a second hardware

components”. Applicant sees no need to make such a change and respectfully traverses this objection.

Applicant notes that this is merely an Examiner’s suggestion and thus there is no statutory basis for this objection. Accordingly, as the claims are in strict compliance with all statutory considerations, Applicant chooses not to make the suggested change. Applicant does not believe that any correction to the phrase “between first and second hardware components” in any of claims 1-75 is necessary. Accordingly, withdrawal of the Examiner’s objection is respectfully requested.

Claim Rejections Under 35 U.S.C. § 112

The Examiner has rejected claims 1-75 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Initially, with regard to claim 1, and with regard to each of the independent claims of the present application, the Examiner alleges that the limitation “the control” in lines 6 and 10 of claim 1 (for exmple), has insufficient antecedent basis. Applicant respectfully disagrees.

As stated in MPEP 2173.05(e), the failure to provide explicit antecedent basis for terms does not always render a claim indefinite. If the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite - See Ex Parte Porter, 25 USPQ2d 1144, 1145 (Bd. Pat. App. & Inter. 1992). Additionally, inherent components as elements recited have antecedent basis in the recitation of the components themselves.

In claim 1, Applicant respectfully submits that the scope of the claim is still reasonably ascertainable by those of ordinary skill in the art when the phrase “the control” is used in either

of lines 6 and 10. Line 6 refers to a data circuit that transmits or receives data under the control of the data gate signal. It can clearly be understood by one of ordinary skill in the art that any type of signal has the capability of controlling a circuit and that “control” is an inherent component of any type of signal. Thus, use of the phrase “under the control of the data gate signal” or “under the control of the media gate signal” as used in lines 6 and 10 of claim 1, respectively, does not render the claim indefinite.

However, in an effort to expedite prosecution in connection with the present application, Applicant has amended lines 6 and 10 of claim 1, and various other lines of each of the independent claims of the present application to change “the control” to --control--. Removal of the word “the” from the claim will apparently expedite allowance of the claims in connection with the present application and as Applicant does not want to delay prosecution, such an amendment is being made. However, Applicant wishes to note that the amendments made to each of the independent claims, to remove the word “the”, are non-narrowing amendments which has not been made for any reason related to patentability and which have only been made in an effort to expedite prosecution in connection with the present application. Accordingly, withdrawal of the Examiner’s rejection is respectfully requested.

In addition, the Examiner has rejected claims 11 and 28 under 35 U.S.C. § 112, second paragraph, alleging that claims 11 and 28 recite the limitation of “a buffer” in lines 21 and 22 of claim 11 and in the last line of claim 28. The Examiner alleges that there is sufficient antecedent basis for this limitation in the claim, and recommends changing “a buffer” to --the buffer--. Again, Applicant respectfully submits that this is not a phrase which renders the claim indefinite and irrespective of whether or not the phrase is changed, the scope of the claim is still reasonably ascertainable by those of ordinary skill in the art. However, Applicant has again made these

changes, as requested by the Examiner, in an effort to expedite prosecution in connection with the present application. Again, these changes to the claims are non-narrowing amendments which have not been made for any reason related to patentability, but which have only been made to expedite prosecution. Accordingly, withdrawal of the Examiner's rejection is respectfully requested.

Comments on the Examiner's Statement of Reasons for Allowance

Applicant merely wishes to note that each of the claims of the present application should be interpreted solely based upon limitations present therein, and should not have any additional limitations imputed therein based upon statements made by the Examiner. This statement is merely being made in view of the fact that the Examiner has grouped several claims together. Applicant wishes to ensure that when the Examiner is referring to a data gate circuit that transmits a data gate signal as present in claim 1 for example, such a data gate circuit limitation is not, in any way, imputed into the method of claim 31, which merely refers to transmitting a data gate signal, and which does not mention any data gate circuit. Each of the claims of the present application should be interpreted solely based upon limitations present therein, and should not be limited, in any way, by the statements made by the Examiner.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of all outstanding objections and rejections and allowance of each of claims 1-75 in connection with the present application is earnestly solicited.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley, Reg. No. 34,313 at the telephone number (703) 390-3030.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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